

All corrections to notes on this calendar should be filed no later than 12 P.M. (Noon) on 6-2-08. Document filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS700139

CASE NAME: MATTER OF ASHLEY SAPP

HEARING:
Hearing Re: REVIEW COUNSELING/RECEIPT OF 730 EVAL/APPT
GUARDIA.

	COUNSEL:
DEAN SAPP	(PET)...CATHERINE A VINCENT
CAROL SAPP	(PET)...CATHERINE A VINCENT
ASHLEY SAPP	(MIN)...
DONALD SAPP	(OBJ)...JANIS L HILKE

GENERAL INFORMATION Continued from 5-9-08

THIS CASE IS SET FOR HEARING ON review of counseling/receipts of 730
eval and appointment of guardian.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. On 5-9-08 the court reviewed the report of Dr. Suiter and made orders pursuant to that report.
2. Court awarded visitation to the father.
3. Nothing new filed.

RECOMMENDATION:
None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS700147

CASE NAME: MATTER OF ANGEL,SIERRA & IVORY FREEMAN
HEARING:
Hearing Re: PETITION FOR APPOINTMENT OF GUARDIANSHIP.

COUNSEL:

ANGEL FREEMAN (MIN)...
SIERRA FREEMAN (MIN)...
IVORY FREEMAN (MIN)...
CHAKAKHAN M FREEMAN (PET)...PRO/PER

GENERAL INFORMATION temporary letters issued 10-16-07
Continued from **11-16-07** to correct notes. Nothing new filed.
Continued from 1-18-08

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only,
by sister, minors 15, 13 and 10

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Father has signed consent and waiver
2. **Petitioner has filed due diligence declarations as to mother and maternal grandmother. However, it appears the court already signed an order waiving notice to these persons. Therefore due diligence declaration would appear to be irrelevant.**
3. Need notice of hearing and proof of mailed service on Steven Freeman, Jr.
4. Also need proof of personal service on two oldest minors.
5. U.C.C.J.E.A. incomplete. Must be completed for the last 5 years or the date of birth of the minor, whichever is sooner.
6. Court may wish to review confidential screening form.

RECOMMENDATION:
None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS700175

CASE NAME: MATTER OF MARISOL AVALOS AND JOSE MARTINEZ

HEARING:

Petition for Appointment of Guardian

COUNSEL:

CONSUELO MERAZ	(PET)...PRO/PER
REMEDIOS MERAZ	(PET)...PRO/PER
MARISOL AVALOS	(MIN)...
JOSE MARTINEZ	(MIN)...

GENERAL INFORMATION temporary letters issued 12-17-07

Continued from 1-18-08. Nothing new filed.

Continued from 3-14-08.

Continued from 5-9-08 at the request of D.C.S. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only,
by paternal grandparents, minor 13 and 11.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioners allege that they are the paternal grandparents, but then as to minor Jose Martinez they indicate that the father is unknown. If this is the case it is unlikely that they are the paternal grandparents of this minor. Are they the step-grandparents? Were the mother and petitioner's son actually married? If not, they are not the step-grandparents. They are unrelated. Need D.C.S. report.
2. Is Alvaro Avalos the son of one or more of the petitioners? If so, then don't need D.C.S. report as to Marisol Avalos. We have a notice from D.C.S. indicating that they need a continuance to 6-6-08.

3. File notice of hearing and proof of personal service on both fathers or file due diligence declaration. If father is unknown as to one minor, file copy of birth certificate showing that father was not identified.
4. File notice of hearing and proof of mailed service on maternal grandparents and other paternal grandparents or file due diligence declarations.
5. Court may wish to review confidential screening form.

RECOMMENDATION:

None

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS800013

CASE NAME: MATTER OF NAIYZ VENTURA (4) WILSON MINORS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

ROBERT BOJORQUEZ	(PET)...PRO/PER
ALMA BOJORQUEZ	(PET)...PRO/PER
NAIYA VENTURA	(MIN)...
ISAAC WILSON	(MIN)...
MARIAH WILSON	(MIN)...
JESSE WILSON	(MIN)...
JUSTINE WILSON	(MIN)...

GENERAL INFORMATION temporary letters issued 1-23-08

Continued from 2-29-08. Nothing new filed.

Continued from 4-25-08.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only,
by maternal grandmother and step-maternal grandfather, minors 11, 9, 6, 5 and 2

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. File notice of hearing and proof of personal service on Ronnie Ventura,
Jr., father of Naiya.
2. Mother signed consent and waiver

RECOMMENDATION:

None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS800037

CASE NAME: MATTER OF NAOMI L FOWLER & KAYLYNN MOORE

HEARING:

Petition for Appointment of Guardian

COUNSEL:

GLORIA J BRUMMER (PET)...PRO/PER
NAOMI L FOWLER (MIN)...
KAYLYNN MOORE (MIN)...
CINDY HUGHES (OBJ)...CALDWELL, KENNEDY & PORTER, A.
AUTHORDOU DONALD FOWLER ()...

GENERAL INFORMATION temporary letters issued 2-29-08 and suspended on 3-6-08.

Continued from 4-7-08. Matter referred to Court Investigator. We are awaiting report.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minors 11 and 5.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has filed due diligence declarations as to both sets of paternal grandparents and father of Naomi. Judge to decide if sufficient.
2. Petitioner has filed a proof of mailed service on father of Kaylynn. Court ordered personal service.
3. Mother has filed written objections.
4. Petitioner has filed response to objections.
5. Father has filed written objections.

RECOMMENDATION:

None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS800044

CASE NAME: MATTER OF THOMAS MINORS (2)

HEARING:

Petition for Appointment of Guardian

COUNSEL:

LAMESHIA JONES (PET)...PRO/PER
LAFAYETTE DELANO THOMAS (MIN)...
SHANE YUKIO THOMAS (MIN)...
LAFRONN THOMAS (OBJ)...

GENERAL INFORMATION Temporary orders denied.

**Continued from 4-25-08. At the 4-25 hearing the court awarded visitation.
Court referred matter to Court Investigator for a report and
recommendation. We are awaiting report. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only,
by sister, minors 14 and 8

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Minor LaFayette Thomas has signed consent and waiver.
2. File notice of hearing and proof of personal service on Ladrán (aka LaFronn) Thomas, father. We have received an objection from the father. Did court wish waive the requirement for service on father?
3. Matter is now contested. Court may wish to refer matter to Court Investigator for report and recommendation.

RECOMMENDATION:

None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS800048

CASE NAME: MATTER OF GARCIA,CHAVEZ & SANCHEZ MINORS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

MARINA CABRERA	(PET)...PRO/PER
NADIA GARCIA	(MIN)...
KENNETH GARICA	(MIN)...
DEA CHAVEZ	(MIN)...
MANUEL SANCHEZ	(MIN)...

GENERAL INFORMATION temporary letters issued 3-19-08

Continued from 4-25-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only,
by maternal grandmother, minors 11, 9, 7 and 5

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. File notice of hearing and proof of personal service on all fathers Manuel Sanchez, Gustavo Chavez and Juan Garcia and mother Nadia Flores de Sanchez.
2. File notice of hearing and proof of mailed service on all 3 sets of paternal grandparents and maternal grandfather Aurelio Flores or file due diligence declarations.

RECOMMENDATION:

None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS800053

CASE NAME: MATTER OF JORDAN XAVIER RUBY

HEARING:
Petition for Appointment of Guardian

COUNSEL:
JOE B MENDEZ JR (PET)...CALDWELL, KENNEDY & PORTER
MELODEE ANNETTE GALINDO-MENDEZ(PET)...CALDWELL, KENNEDY
& PORTER
JORDAN XAVIER RUBY (MIN)...

GENERAL INFORMATION temporary letters issued 3-26-08.
Continued from 5-2-08. At the request of D.C.S. At the time of the 5-2 hearing the paternal grandparents appeared and are apparently objecting. Court ordered paternal grandparents to file objections. No objections filed to date. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal. Rule of Court 7.801.)

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by caregivers, minor 4.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter referred to D.C.S. for report and recommendation, as petitioners not related to minor. Need D.C.S. report.
2. Mother has signed consent and waiver
3. Court may wish to review confidential screening form of Joe Mendez.

RECOMMENDATION:
None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS800057

CASE NAME: MATTER OF DEVONTE CHATTMAN

HEARING:

Petition for Appointment of Guardian

COUNSEL:

DARLENE SMITH (PET)...PRO/PER
DEVONTE CHATTMAN (MIN)...

GENERAL INFORMATION temporary letters issued 4-2-08.

Continued from 5-9-08 at request of D.C.S. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only,
by caretaker, minor 15

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner not related to minor. Need D.C.S. report.
2. Petitioner has not properly completed section 2 of form GC210(CA) in that paternal grandparents and maternal grandfather are not listed. File verified supplement or due diligence declaration showing efforts to obtain the information.
3. File notice of hearing and proof of mailed service on paternal grandparents and maternal grandparents.
4. Minor and parents have signed consent and waiver forms.

RECOMMENDATION:

None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS800076

CASE NAME: MATTER OF RAYMOND RUBEN DE LA TORRE

HEARING:

Petition for Appointment of Guardian

COUNSEL:

SUSIE RICO DE LA TORRE (PET)...PRO/PER
RAYMOND RICO DE LA TORRE (MIN)...

GENERAL INFORMATION:

Temporary letters issued to paternal aunt, 04-30-08.

THIS CASE IS SET FOR HEARING ON: Petition for Appointment of Guardian,
person only, by paternal aunt, minor 4 years.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

- 1 Sections 9(b)(2)(3) of petition are incomplete. File verified supplemental.
- 2 Need form ICWA-010 re: Indian Child Welfare Act for each child.
- 3 Note: If a parent, guardian (other than the petitioner), or Indian custodian
appear
in court, an ICWA-020 form must be completed by each of these persons
who
appear.
- 4 Need Notice of Hearing and proof of personal service on mother and
father each or file due diligence declarations.
- 5 Need Notice of Hearing and proof of mailed service on paternal
grandparents and maternal grandfather each or file due diligence
declarations.

RECOMMENDATION:

Need notice, then court's discretion.
(vet)

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS800077

CASE NAME: MATTER OF RAYSHON ALLEN WALKER

HEARING:
Petition for Appointment of Guardian

COUNSEL:
RENADA THOMAS (PET)...PRO/PER
RAYSHON ALLEN WALKER (MIN)...

GENERAL INFORMATION:
Temporary letters issued to non-relative, 05-01-08.

THIS CASE IS SET FOR HEARING ON: Petition for Appointment of Guardian,
person only, by non-relative caretaker, minor 4 years.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

- 1 Need form ICWA-010 re: Indian Child Welfare Act for each child.
- 2 Note: If a parent, guardian (other than the petitioner), or Indian custodian appear in court, an ICWA-020 form must be completed by each of these persons who appear.
- 3 Petitioner alleges that father is unknown and he may be deceased per a statement made to her by mother. Court may wish to require a certified copy of minor's birth certificate to determine if father is named. Judge to decide.
- 4 Need Notice of Hearing and proof of personal service on mother and father (if court does not waive notice to father) each or file due diligence declarations.

- 5 Need Notice of Hearing and proof of mailed service on paternal grandparents and maternal grandparents each or file due diligence declarations.
- 6 Petitioner is a non-relative. Need report from Department of Children's Services.
- 7 Court may wish to review Guardianship Questionnaire and Confidential Screening forms where indicated (yellow tab).

RECOMMENDATION:

Clear notes, then court's discretion.

(vet)

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: GARVS800081

CASE NAME: MATTER OF AUSTIN JACOB SCOTT

HEARING:

Petition for Appointment of Guardian

COUNSEL:

MICHAEL LEE ADAMS (PET)...PRO/PER
AUSTIN JACOB SCOTT (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON: Petition for Appointment of Guardian,
person only, by non-relative, minor 5 years.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

- 1 Page three (3) of the petition indicates "mother would like to have (petitioner) appointed guardian of the child in case anything should happen. She (mother) does not want the child to go to her mother." This would appear that mother is to give up her parental rights at this time. Court may wish to inquire. Judge to decide.
- 2 Petitioner alleges that father is unknown and not listed on birth certificate. Court may wish to require a certified copy of minor's birth certificate. Judge to decide.
- 3 Consent to Appointment of Guardian and Waiver of Notice signed by mother and two (2) siblings 12 and older.
- 4 Need Notice of Hearing and proof of personal service on father or file due diligence declarations.

- 5 Need Notice of Hearing and proof of mailed service on paternal grandparents (if court does not waive notice) and maternal grandparents each or file due diligence declarations.
- 6 Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) does not give minor's residence information for the last five (5) years. File verified supplement.
- 7 Petitioner is a non-relative. Need report from Department of Children's Services.

RECOMMENDATION:

Clear notes, then court's discretion.

(vet)

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: VG VS01125

CASE NAME: MATTER OF DESIREE L WASHBURN

HEARING:

Hearing Re: PROOF OF TRANSFER TO KERN COUNTY.

COUNSEL:

SHARON STANFIELD	(PET)...PRO/PER
DESIREE L WASHBURN	(MIN)...
HENRY CANNON	(PET)...PRO/PER
BARBARA CANNON	(PET)...PRO/PER
HENRY CANNON	(PET)...PRO/PER
BARBARA CANNON	(PET)...PRO/PER

GENERAL INFORMATION Continued from 4-4-08. Mr. Cannon failed to appear and failed to show proof of transfer of guardianship to Kern County. Court continued matter and clerk gave notice. Nothing new filed. Continued from 5-2-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON confirmation of transfer of guardianship to Kern County.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At the time of the appointment of guardians court allowed them to reside in Kern County. Court then set matter to confirmation of transfer of guardianship to Kern County.
2. None filed to date.

RECOMMENDATION:

None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: VG VS01636

CASE NAME: MATTER OF MELISSA SANFORD

HEARING:
Hearing Re: REVIEW.

COUNSEL:
WILMA SANFORD POLLARD (PET)...DONALD M MEDEIROS
WILLIAM POLLARD (PET)...DONALD M MEDEIROS
MELISSA SANFORD (MIN)...
FELICE PARSHALL (PET)...VALERIE ROSS

GENERAL INFORMATION Continued from **11-30-07**.

Continued from **1-25-08**. Court ordered mother to drug test. Results are in the file. Felice Parshall has provided and income and expense declaration.
Continued from **2-15-08**. Mother awarded unsupervised visitation. Nothing new filed.

Continued from 3-28-08. Mother to be allowed in children's counseling sessions at discretion of the minor's counsel. All parties to sign necessary releases. Mother's boyfriend Terry Page is not to be present at any visitations. Nothing new filed.

THIS CASE IS SET FOR HEARING ON review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 11-30-07 the court ordered visitation and then continued matter for review. Nothing new filed on visitation issue.

RECOMMENDATION:
None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: VG VS02167

CASE NAME: MATTER OF ADRIAN D GURULE

HEARING:

Hearing Re: TERMINATE VISITATION BY CASSIE LINARES.

COUNSEL:

ESTHER RAMIREZ (PET)...PRO/PER
ADRIAN D GURULE (MIN)...
CASSIE LEE CABRIALES/LINARES (OBJ)...PRO/PER

GENERAL INFORMATION Continued from 4-4-08. Matter referred to Family Court Services. We are awaiting report. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to terminate visitation.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the mother. At the time that the court terminated the guardianship the court granted visitation to the grandmother. Mother alleges that the grandmother is now interfering with her ability to parent the minor. Mother alleges that the grandmother's son has moved back into grandmother's house. He is alleged to be on drugs and it is alleged that this is detrimental to the minor. She also indicates that the grandmother is telling the minor things that are not true.
2. File notice of hearing and proof of service on Esther Ramirez.

RECOMMENDATION:

None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: VG VS02288

CASE NAME: MATTER OF TESSAH & CALEB PEREZ

HEARING:

Hearing Re: PETITION TO TERMINATE/PROOF OF GUARDIANSHIP IN
WA.

COUNSEL:

BARAK M BLANCHARD	(PET)...PRO/PER
LISA L BLANCHARD	(PET)...PRO/PER
TESSAH R PEREZ	(MIN)...
CALEB T.D. PEREZ	(MIN)...

GENERAL INFORMATION Continued from 2-15-08. Court ordered that the California guardians are to provide proof of permanent guardianship in Washington by the next hearing (6-6-08). Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to terminate guardianship and proof of guardianship in Washington.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 8-10-07 the court granted the guardian the authority to remove the minor to Washington to live with an uncle on condition that guardianship be established in that state. No proof filed to date.
2. At the time of the petition to remove the minor was filed the guardian also filed a petition to terminate.

RECOMMENDATION:

Court may either set for O.S.C. re termination or order the minor returned to California.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 06/06/08 TIME: 8:30 DEPT: V12G

CASE #: VG VS02336

CASE NAME: MATTER OF PHILLIP K CLARK

HEARING:
Petition for Appointment of Guardian

COUNSEL:
BYRON A CLARK (PET)...PRO/PER
PHILLIP KYLE CLARK (MIN)...
CAROLE CLARK (OBJ)...
LEO CLARK ()...
TEOREBIA CLARK ()...
SUSAN SALADO ()...

GENERAL INFORMATION temporary letters issued 3-20-07

Continued from 4-27-07 to allow for the filing of objections.

Continued from 6-8-07. Court made visitation orders. Court re-referred matter to Family Court Services. We are awaiting report. Nothing new filed.
Continued from 10-26-07. At the time of the hearing the mother consented to guardianship. The grandfather, Leo Clark, withdrew his petition. The court apparently determined that the minor was of Native American ancestry. The court orders the tribal council noticed and ordered grandfather to provide information re Native American background. Nothing new filed.

Continued from 3-7-08 for information regarding I.C.W.A. (re Cherokee Tribe). The petitioners are pro-per. Under recently enacted regulations it is the obligation of the court to provide the notice to the parents and to the tribe.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal uncle, minor 15.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Father deceased.
2. Minor has signed consent and waiver.
3. Mother consented to guardianship.
4. We have a proof of service by certified mail on a Delama Stevens. This person is not mentioned anywhere in the file, so it is unknown who this person might be. Additionally, the proof of service form is for a SDT. A copy of the SDT is not in file.
5. As it is now the court's obligation to completed the I.C.W.A. notice where the petitioner is a pro per suggest the court require the parties to complete an ICWA-020 form and an I.C.W.A.-030 form. This will provide the clerks office with the information necessary to complete the notice.

RECOMMENDATION:

See note 5 for recommendation.